

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant: Killian D. Murphy
Assignee: ViaClix, Inc.
Title: DIGITAL IMAGE MAGNIFICATION FOR INTERNET
APPLIANCE
Serial No. 10/033,520 File Date: 10/18/2001
Examiner: M. Tran Art Unit: 2174
Docket No.: CTV-006

San Jose, CA
July 18, 2007

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief, filed in triplicate, is in support of
the Notice of Appeal dated July 18 2007.

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee, VIACLIX, INC., pursuant to the Assignment recorded in the U.S. Patent and Trademark Office on October 18, 2001 on Reel 012427, Frame 0345.

II. RELATED APPEALS AND INTERFERENCES

Based on information and belief, there are no other appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-21 are pending and stand rejected.

Claims 1-21 are appealed.

Claims 1-21 are listed in the Claims Appendix.

IV. STATUS OF AMENDMENTS

Appellant filed a Response to the Second Non-Final Office Action on December 30, 2005. The amendments entered in that Response were entered by the Examiner, as indicated by the Examiner in the Final Office Action dated March 24, 2006.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

This appeal involves independent Claims 1, 10, 14 and 18, and the subject matter of these claims finds exemplary support in the specification and drawings as follows:

<u>SUPPORT FOR Claim 1</u>		
<u>SUBJECT MATTER</u>	<u>SPECIFICATION</u>	<u>DRAWINGS</u>
1. A method of digital image magnification in a graphical user interface (GUI), the method comprising:	See description beginning in paragraph 16.	Figs. 3-6
identifying a selected region of a first image adjacent to a cursor in the GUI,	Paragraph 0017, selected region 315; also 515 (paragraph 0023); also 615 (paragraph 0033).	Figs. 3-6
wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI;	paragraphs 0028 and 0033; selected regions 315, 515, 615 are rectangular; Figs. 6A-6D show independence from cursor.	Figs. 3, 4, 5, 6(A)-6(D)
forming a magnified image including an enlarged version of the first image located in the selected region;	Paragraph 0016, magnified image 320; also 520 (paragraph 0022); also 620 (paragraph 0033).	Figs. 3-6
superimposing the magnified image over the first image such that the magnified image masks the selected region; and	Paragraphs 0017 and 0019	Figs. 3-6
superimposing the cursor over the magnified image to form a second image.	Paragraphs 0017 and 0019	Figs. 3-6

SUPPORT FOR Claim 10

<u>SUBJECT MATTER</u>	<u>SPECIFICATION</u>	<u>DRAWINGS</u>
10. A method of digital image magnification in a graphical user interface (GUI), the GUI including a first image and a cursor superimposed over the first image and movable on the first image by manipulation of an input device, the method comprising:	See description beginning in paragraph 16.	Figs. 3-6
determining Cartesian coordinate data identifying a first point on the first image located under the cursor;	Paragraph 0024	Fig. 5
forming a magnified image including an enlarged version of a selected region surrounding the identified first point;	Paragraph 0016, magnified image 320; also 520 (paragraph 0022); also 620 (paragraph 0033).	Figs. 3-6
superimposing the magnified image over the first image such that a second point on the magnified image screen corresponds to the first point on the first image;	Paragraphs 0017-0019, specifically paragraph 0018 (point 331) and paragraph 0019 (points 311,321)	Figs. 3 and 4
superimposing the cursor over the magnified image such that the cursor masks a portion of the magnified image, wherein the second point relative to the magnified image corresponds to the first point relative to the first image.	Paragraphs 0017 and 0019 Paragraph 0019 (points 311,321)	Figs. 3-6 Figs. 3 and 4

SUPPORT FOR Claim 14

<u>SUBJECT MATTER</u>	<u>SPECIFICATION</u>	<u>DRAWINGS</u>
14. A method of magnifying a background image in a graphical user interface (GUI), the GUI including image data for generating the background image on a display, and cursor position data for positioning a cursor over the background image, the method comprising:	See description beginning in paragraph 16.	Figs. 3-6
identifying a first selected point of the background image that coincides with the cursor position data;	Paragraph 0024	Fig. 5
forming a magnified image using the image data corresponding to a selected region located adjacent to the first selected point, wherein the magnified image includes a second selected point that coincides with the first selected point; and	Paragraph 0016, magnified image 320; also 520 (paragraph 0022); also 620 (paragraph 0033).	Figs. 3-6
superimposing the magnified image between the background image and the cursor such that the cursor is located directly over both the first selected point of the background image and the second selected point of the magnified image and such that the cursor masks a portion of the magnified image.	Paragraphs 0017-0019, specifically paragraph 0018 (point 331) and paragraph 0019 (points 311,321)	Figs. 3 and 4

SUPPORT FOR Claim 18

<u>SUBJECT MATTER</u>	<u>SPECIFICATION</u>	<u>DRAWINGS</u>
18. A system for magnifying an image, the system comprising:	See description beginning in paragraph 16.	Figs. 3-6
means for identifying a selected region of a first image adjacent to a cursor in the GUI;	Paragraph 0017, selected region 315; also 515 (paragraph 0023); also 615 (paragraph 0033).	Figs. 3-6
means for forming a magnified image including an enlarged version of the first image located in the selected region;	Paragraph 0016, magnified image 320; also 520 (paragraph 0022); also 620 (paragraph 0033).	Figs. 3-6
means for superimposing the magnified image over the first image such that the magnified image masks the selected region; and	Paragraphs 0017, magnified image 320 masks selected region 315; also 520/515 (paragraph 0022); also 620/615 (paragraph 0033).	Figs. 3-6
means for superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image.	Paragraphs 0017, 0019;	Figs. 3-6

VI. GROUNDS FOR REJECTION TO BE REVIEWED ON APPEAL

The following rejections are presented to the Board of Appeals for decision:

1) Claims 1-4, 11, 14-15 and 18-21 are rejected as unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 6,704,034 (herein "Rodriguez") in view of U.S. Patent No. 5,638,523 (herein "Mullet"); and

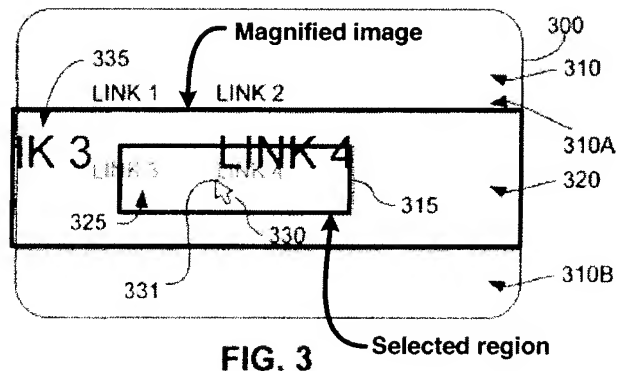
2) Whether Claims 5-10, 12-13 and 17 are rejected as unpatentable under 35 U.S.C. 103(a) over Rodriguez in view of Mullet and further in view of U.S. Patent No. 6,407,747 (hereinafter "Chui").

VII. ARGUMENTS

1) Claims 1-4, 11, 14-15 and 18-21 are patentable under 35 U.S.C. 103(a) over Rodriguez and Mullet

As explained in Appellant's first Appeal Brief, Claim 1 recites at least two features that are distinguished over the cited prior art. These features are explained in context in the following paragraphs.

Applicant's Figure 3 (shown below in a modified form) is a simplified screen display 300 depicting a method of digital image magnification in a graphical user interface (GUI). Shown on display 300 are an original (unmagnified) background image 310, a magnified image 320, and a cursor 330. Original background image 310 includes "normal" (i.e., unmagnified) text 325 (or other indicia or graphics), which in the present example includes the text "LINK 1", "LINK 2", "LINK 3", and



"LINK 4". Magnified image 320 includes an enlarged version of a selected region 315, and includes (magnified) text 335 (i.e., a portion of text "LINK 3" and all of text "LINK 4") that are superimposed over original background image 310 (i.e., the normal sized text "LINK 3" and "LINK 4" are masked by magnified image 320, and are therefore indicated by shadow block type).

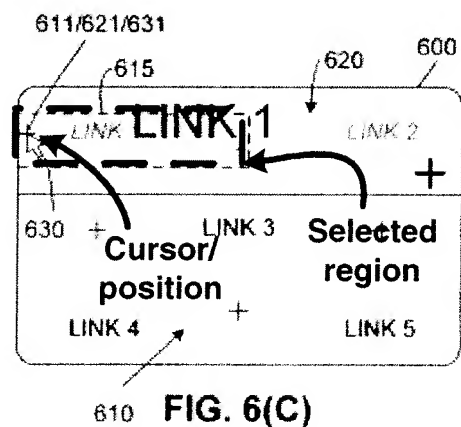
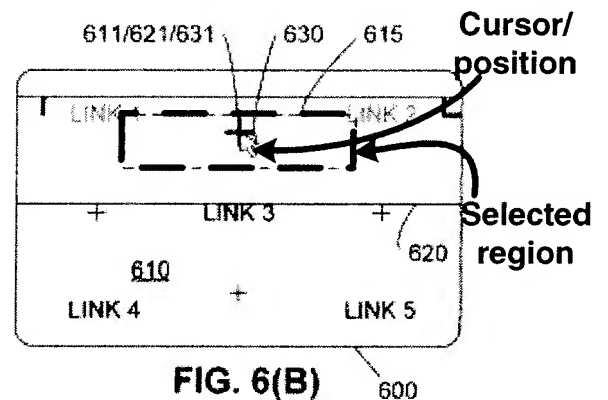
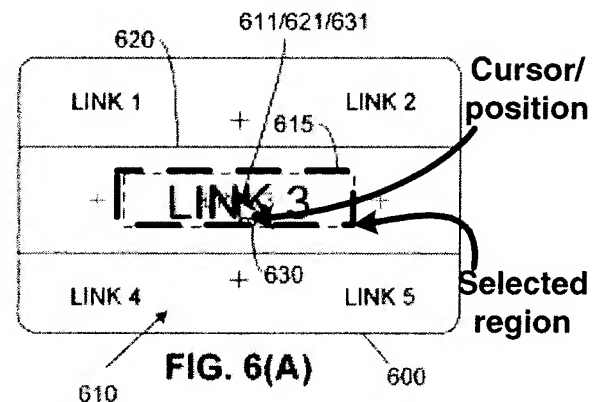
A first feature recited in Claim 1 that is distinguished over the cited prior art is that

"the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI".

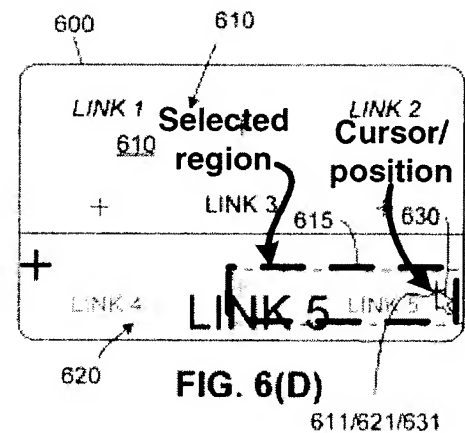
Applicant's Figures 6(A) through 6(D) (reproduced here in modified form) are simplified display screens showing that the "selected region" maintains a

"predetermined height and width" (e.g., a fixed rectangular shape) that is independent of a position of the cursor. Figure 6(A) shows a cursor 630 and a selected region 615 located in the center of display 600. Figure 6(B)

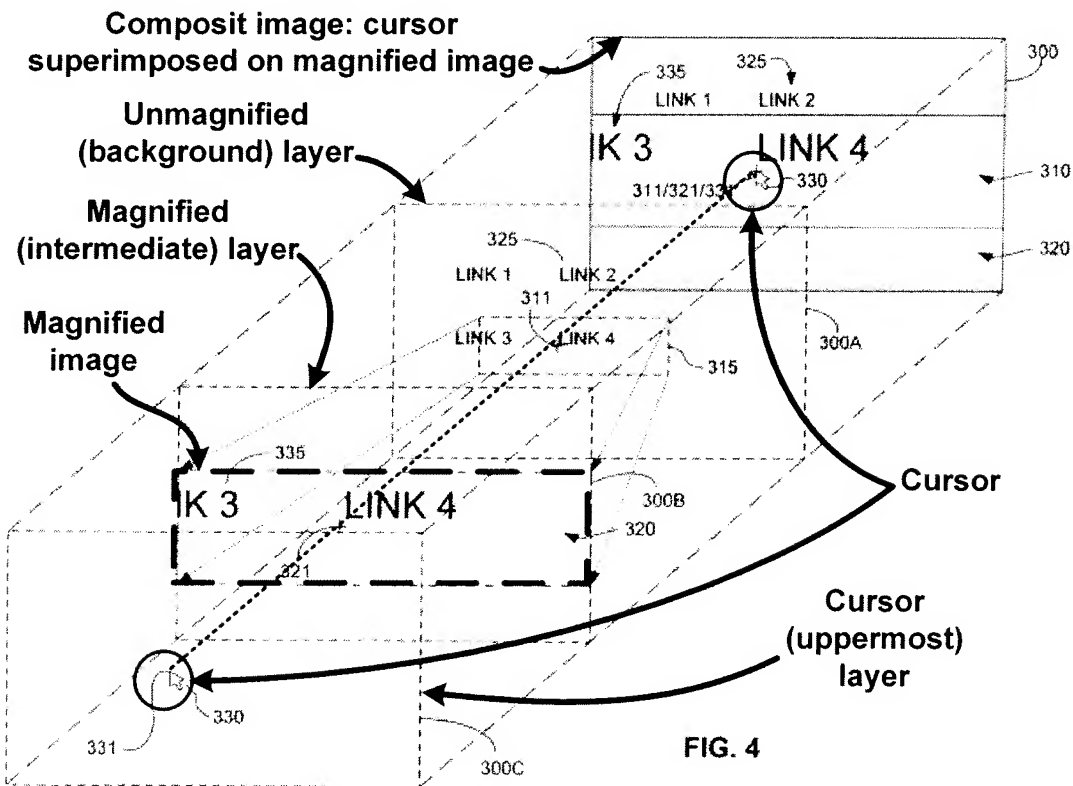
shows that when cursor 630 is moved up from the centered position, selected region 615 also moves up, but maintains its rectangular shape. Figure 6(C) shows that when cursor 630 is moved horizontally to the left from the position shown in Figure 6(B), selected region 615



moves left, but maintains its rectangular shape. Finally, Fig. 6(D) shows cursor 630 moved to the lower right from the position of Figure 6(C), which causes selected region 615 to move similarly while maintaining its rectangular shape. Accordingly, selected region 615 is shown to maintain its predetermined height and width independent of the position of cursor 630.



Another distinguishing feature of the present invention recited in Claim 1 is "superimposing the cursor over the magnified image to form a second image". This superimposition is shown, for example, in Applicant's Fig. 4 (shown below in a modified form), which shows the various layers 300A, 300B and 300C that are combined to make the composit screen image 300. In particular, the layers include



the original (unmagnified) background layer 300A, the

magnified (intermediate) layer 300B, and the uppermost "cursor" layer 300C. Note that because the magnified image includes "an enlarged version of a selected region surrounding", as recited in Claim 1, the cursor is disposed on the magnified image in the composite image 300.

1A) It would not have been obvious to combine the teachings of Rodriguez and Mullet because Rodriguez teaches away from Mullet with respect to a magnified region that has "a predetermined height and width that is independent of a position of the cursor in the GUI"

Appellant's first Appeal Brief addressed a rejection directed to Claim 1 under 35 USC 103(a) over Rodriguez by arguing that Rodriguez fails to teach or suggest a magnified region that has "a predetermined height and width that is independent of a position of the cursor in the GUI", as recited in Claim 1.

In the recent Office Action, the Examiner acknowledges that the Appellant's arguments were persuasive by stating on page 3:

Rodriguez et al. fail to clearly teach the feature of a predetermined height and width that is independent of a position of the cursor in the GUI.

The Examiner then cites Mullet to overcome the deficiency of Rodriguez:

Mullet et al.

teach the predetermined height and width at figures 3A-3B, 3D. The selected region size is unchangeable that is independent of the position of the cursor. The selected region moves up and down, but maintains its circle shape. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the Mullet's system with Rodriguez's superimposing the magnified image over the first image. Motivation of the combination would have been to maximize the readability of the magnified text.

Appellant respectfully traverses this argument in that Rodriquez clearly teaches away from the apparent teachings of Mullet. In particular, Rodriquez teaches away from tools that "magnify portions of a screen for a user" by arguing that such tools magnify all objects within the screen portion equally, which does not increase readability (see Rodriquez, Col. 2, lines 6-17, copied below):

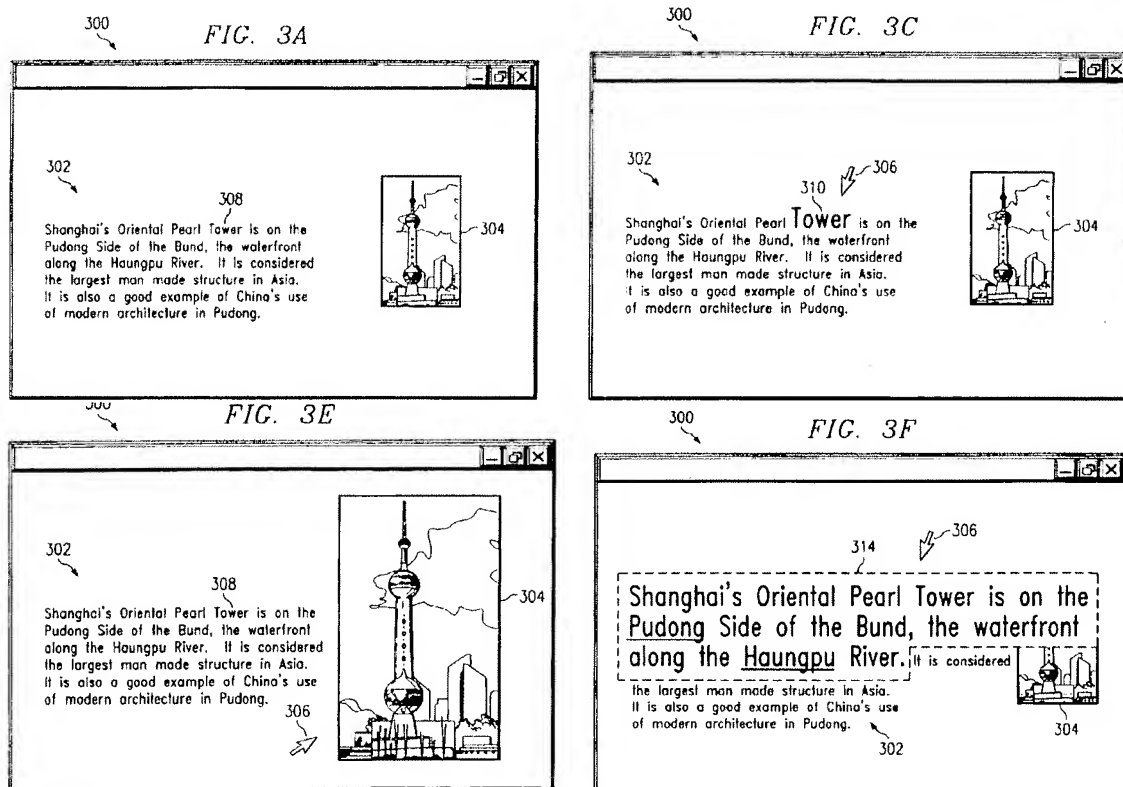
Presently, some tools are available for magnifying portions of the screen for a user. These tools, however, typically magnify a portion of the screen without regard to the type of content, including the size of the text or image. In other
10 words, equal magnification is provided regardless of the font size of the text. Further, the magnification is often accomplished using pixel amplification in which pixels are duplicated to create a larger image. This process is performed without changing the resolution, resulting in jagged edges in
15 the text. This type of magnification often does not increase the readability of the text being magnified or the details of the image.

Instead of magnifying a selected region, Rodriquez teaches the generation of magnified images, where the size of magnified regions displayed according to Rodriquez is determined by the object "type" (i.e., text, image or audio) that is identified by a pointer (see, e.g., Rodriquez, Col. 4, line 54-67, copied below):

The present invention provides a method, apparatus, and
55 computer implemented instructions for magnifying objects presented in a data processing system based on the context of the objects. In the depicted examples, an object has an object type, such as, for example, a text object, an image object, and an audio object. Theses different object types are
60 examples of different contexts for information being presented in the data processing system. The mechanism of the present invention identifies an object context when the focus on the information being presented changes. The change in focus in these examples is detected through the movement of
65 a pointer on the screen. Typically, a pointer has a hotspot, which is a point or portion of the pointer used to select objects that may be acted upon through user input.

As such, the object size and shape of the magnified region

varies in accordance with the selected object, as depicted in the various examples, shown in Rodriquez's Figs. 3A, 3C, 3E and 3F, which are copied below for reference):



In contrast to the specific teachings of Rodriquez, Mullet appears to teach the conventional method of magnifying everything within a selected region, regardless of its type (see, for example, Mullet Col. 4, line 65 to Col. 5, line 7, copied below for reference; emphasis added):

Magnification Mode

The magnification mode of the browsing tool 10 is used to provide a more detailed view of the information displayed graphically on the display screen. When the browsing tool 10 is in the magnification mode, the browsing tool 10 enhances the information located within the magnifying reticle 13 such that the information fills the viewing area 15 of the browsing tool 10. The enhanced information is not simply enlarged, more detailed information not previously displayed becomes visible.

Because Mullet appears to teach enhancing all information within a specific, unchanging region defined by magnifying reticle 13, Mullet teaches away from the clearly stated object of Rodriquez. Hence, it would not have been obvious for one skilled in the art to look to Mullet to modify the magnifying tool of Rodriquez at least because Rodriquez teaches away from the magnifying reticle 13 approach taught by Mullet. Further, because the approaches taught by Rodriquez and Mullet are so different, it would not have been obvious to combine the teachings of these references to produce a method of digital image magnification in a GUI with a magnified region that has "a predetermined height and width that is independent of a position of the cursor in the GUI", as recited in Claim 1.

1B) The Examiner's Assertion that Rodriguez's Cursor can be Superimposed over the Magnified Image is Not Supported by the clear teachings of Rodriguez

In further rejecting Claim 1, the Examiner asserts (see page 3 of the Office Action):

Rodriguez et al. in view of Mullet et al. fail to clearly teach superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image. However, ^{Rodriguez et al.} suggested that the cursor 306 can be moved to an image 314 (figure 3F, column 5, lines 50-55). Official notice is taken that implementation of the step of superimposing the cursor over the magnified image to form a second image would have been well known in the art of computer interface because the cursor 306 can be superimposed over anyplace on the magnified image 314 by a user. The user can move the cursor (306) either beside the selected region (of the object 314) or right on the selected region (of the object 314) base on user's desire. This is just a user's choice.

Appellant strenuously traverses the Examiner's characterization of the teachings of Rodriguez that the cursor can be moved "right on the selected region". As stated in the Appellant's first Appeal Brief, in contrast to limitations recited in Claim 1, and Rodriguez's cursor is clearly not "superimposed" over the magnified image in, for example, Figs. 3A, 3C, 3E and 3F (copied above) in the sense that the cursor masks a portion of the enlarged image. Because Rodriguez's magnified region is determined by the object located adjacent to the pointer, and because Rodriguez's figures clearly show that the size of the magnified region changes depending on the position of pointer 306, Rodriguez clearly fails to teach or suggest a "selected region having a predetermined height and width that is independent of a position of the cursor in the

GUI", as recited in amended Claim 1. Further, Rodriguez neither teaches nor suggests how the cursor could be displayed such that it transitions from being located over non-magnified regions (as shown in Figs. 3A, 3C, 3E and 3F) to the magnified regions, as suggested by the Examiner. Moving the cursor is not the primary problem. The real problem is that the regions that are so called magnified are predefined, and additional data must be available to the user's system in order to display the cursor in these regions. As a result, all of the enlarged objects are predefined. So, the viewing application is NOT a general purpose application but rather one that understands the viewing protocol. In contrast, the magnifying tool of the present invention, by "superimposing the cursor over the magnified image to form a second image", is not confined to a special applications environment, and will work with any application as it is tied to the operating system not the applications program with a specialized, preformatted database. Therefore, Rodriguez clearly fails to teach or suggest "superimposing the cursor over the magnified image to form a second image", as recited in Claim 1.

Claims 2-4 are dependent from Claim 1, and are distinguished over Rodriguez for at least the reasons provided above with reference to Claim 1.

Claim 11

Applicant respectfully points out that the rejection directed to Claim 11 appears to be erroneous in that Claim 11 depends from Claim 10, which is subject to a different rejection (i.e., Rodriguez and Mullet in view of Chiu). Thus, it is not understood how Claim 11 can be rejected over Rodriguez and Mullet. As such, the rejection of Claim 11 will be addressed below following Applicant's response to the rejection of Claim 10.

Claims 14-15

Claim 14 recites (in pertinent part):

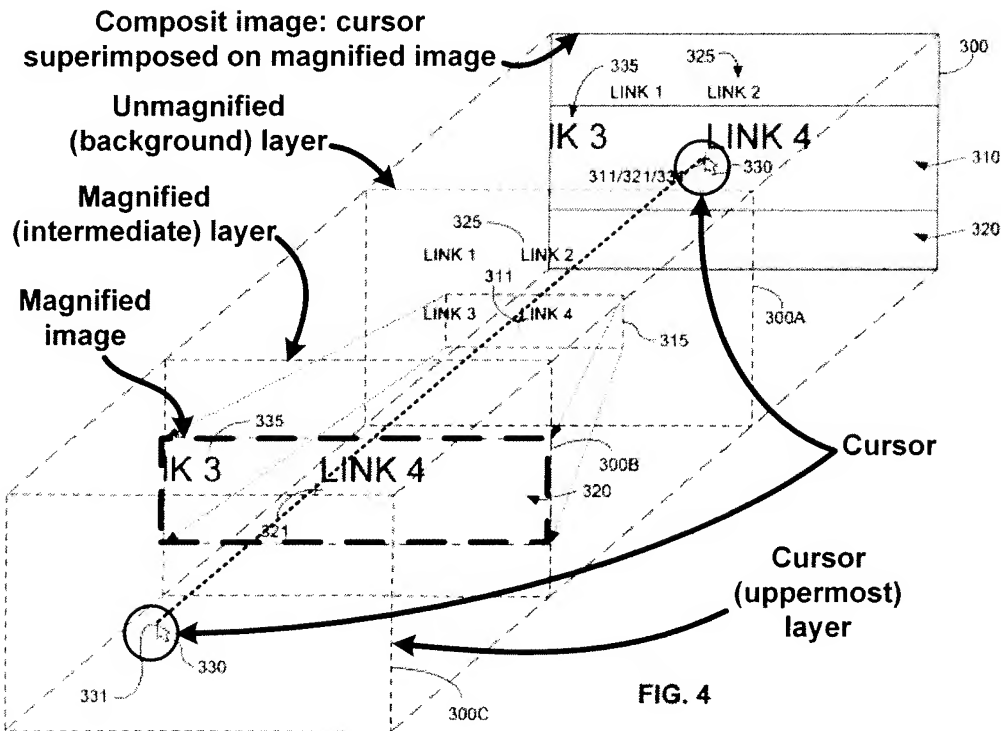
...superimposing the magnified image between the background image and the cursor such that the cursor is located directly over both the first selected point of the background image and the second selected point of the magnified image and such that the cursor masks a portion of the magnified image...

The above-quoted language sets forth another key aspect of the present invention, and a feature that makes digital image magnification devices of the present invention desirable, is the ability of a user to select a link in the magnified field by moving the cursor over the magnified link and selecting the link in a manner that is almost identical to non-magnified selection, thereby making the link selection process highly intuitive. The benefit of this recited feature is described in Applicant's paragraph 0020 (copied below in part for reference):

[0020] ...As described above, magnified region 320 is positioned on top of original background image 310 in such a way that the point of magnified region 320 appearing under the cursor at cursor position 331 corresponds to the point of original background image 310 at cursor position 331. Although the magnified region overlay surface is visible

on the display, it is the interface elements within the original background image 310 that respond to mouse clicks. Thus, original background image 310 and cursor 330 operate as if magnified region 320 were not superimposed therebetween. Accordingly, the magnification tool of the present invention is easily incorporated into existing GUI's with minimal disruption in the operation of a host Internet appliance.

This feature may be better understood with reference to Fig. 4 (copied in the modified form below for reference), which clearly shows the position of the cursor (331,321, 311) is in a fixed relation (indicated by dashed line), so that a magnified link can be selected without special software (i.e., using the established GUI interface).



Further examples of this features are found, for example, in Applicant's Figs. 3 and 6(A) (copied below for reference), which clearly shows that cursors 330/630 are superimposed over magnified regions 320/620 such that, for

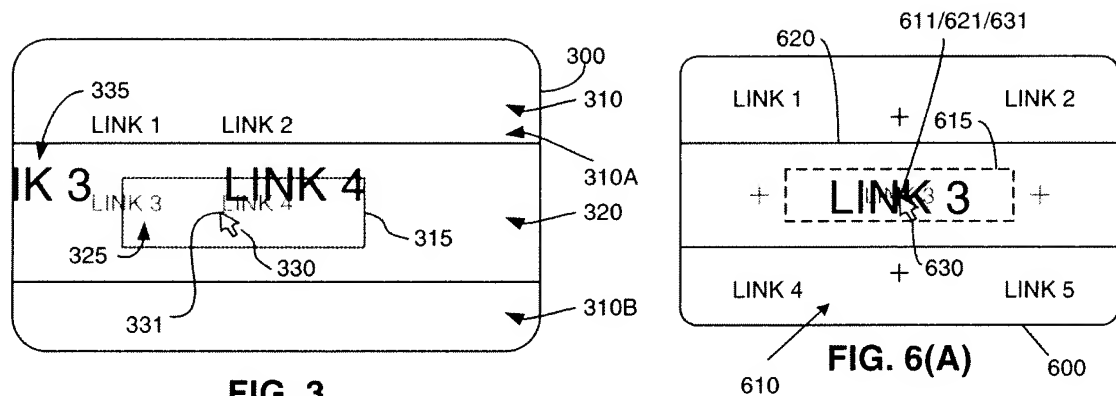


FIG. 3

FIG. 6(A)

example, cursor 630 masks a portion of the magnified "LINK 3" in Fig. 6(A). The benefit of this feature is further described, for example, in paragraph 0018 of Applicant's specification:

[0018] According to another aspect of the present invention, cursor position data, which is typically utilized by a GUI to position cursor 330 on display 300, is also used to determine the position and content of magnified image 320. Specifically, cursor 330 is positioned by a user via an input device (e.g., a mouse or trackball) to a desired cursor position 331. Cursor position data stored in the video memory of the Internet appliance indicates cursor position 331 at a given time. According to the present invention, the cursor position data indicating cursor position 331 is utilized to position according to the formulations provided below such that a point on magnified image 320 coincides with a point on original background image 310, which in turn coincides with cursor position 331. By modifying magnified image 320 such that the points coincide with cursor position 331, a user is able to utilize the magnification tool of the present invention to precisely position cursor 330 over selected regions of original background image 310 that they are enlarged (magnified) for easy identification. As a result, if selected region 315 includes interface elements such as hyperlinks, then those interface elements are visible to be selected (clicked upon) within magnified region 320. These features are explained further below.

Claim 14 is distinguished over Rodriguez and Mullet at least because these references fail to teach or suggest a pointer that "masks a portion of the magnified image", as recited in Claim 14. For example, as shown in Rodriguez's Figs. 3A, 3C, 3E and 3F (copied above), in each instance pointer 306 is located adjacent to a magnified object, but does not appear superimposed on the magnified object such that the pointer "masks a portion of the magnified image", as recited in Claim 14. Further, Rodriguez neither teaches nor suggests a benefit associated with superimposing pointer 306 over a magnified region for purposes of aiding selection of an interface element such as a hyperlink. The Examiner's arguments that Rodriguez's cursor could be moved anywhere is traversed for the reasons provided above. Mullet fails to overcome the deficiency of Rodriguez. Therefore, it would not have been obvious to modify Rodriguez and Mullet to produce the method recited in amended Claim 14.

Claim 15 are dependent from Claim 14, and is distinguished over Rodriguez and Mullet for at least the reasons provided above with reference to Claim 14.

Claims 18-21

Similar to Claim 1, Claim 18 recites (in pertinent part):

...means for superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image...

Claim 18 is believed to be patentable over Rodriguez and Mullet for reasons similar to those provided above with reference to Claim 1.

Claims 19-21 are dependent from Claim 18, and are distinguished over Rodriguez and Mullet for at least the reasons provided above with reference to Claim 18.

2) Claims 5-10, 12-13 and 17 are patentable under 35 U.S.C. 103(a) over Rodriguez and Mullet in view of Chiu

Claims 5-9

Rodriguez and Mullet are discussed above.

Chiu teaches an image magnifying method and apparatus magnifies a portion of an image displayed on a computer display device. The user of the computer selects a first region (called a magnification window) of the displayed image, for instance using a mouse or trackball pointer device. As indicated in Chiu's Fig. 2 (copied below with text from Chiu's column 4, lines 33-43), Chiu fails to teach or suggest "superimposing the cursor over the magnified image to form a second image". In fact, Chiu appears not to teach displaying a cursor at any time that a magnified image is shown because the cursor and magnified region appear to be one and the same:

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Screen Image Magnification

Referring to FIGS. 3, 4 and 5, the display 107 is shown with a portion of the screen image magnified. There are many reasons that a user might want to magnify a portion of a screen image. The present invention provides a "magnifying glass" procedure 142 (FIG. 2) that enables the user to move a virtual magnifying glass over any portion of the image currently on the display 107. The procedure generates a magnified image within a magnification window 152 (FIG. 2) whose position is determined by the screen cursor position.

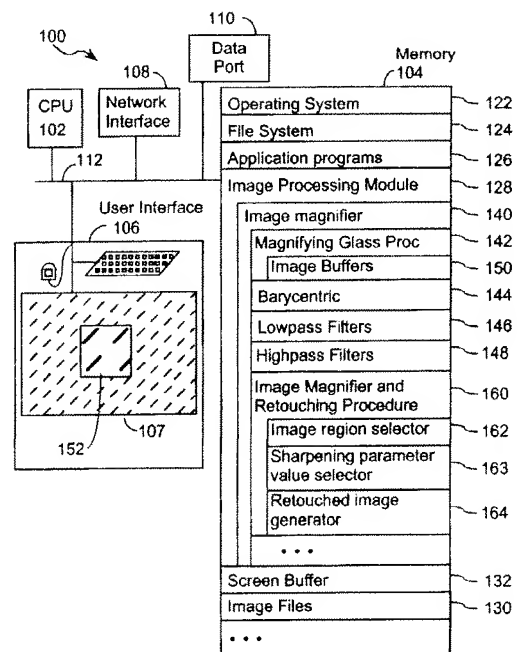


FIG. 2

Claims 5-9 are dependent from Claim 1. It would not have been possible to combine the teachings of Rodriguez/Mullet and Chiu to produce the subject matter of Claim 1 because neither Rodriguez, Mullet nor Chiu teach or suggest "superimposing the cursor over the magnified image to form a second image", as recited in Claim 1. As such, Claims 5-9 are also distinguished over Rodriguez, Mullet and Chiu for at least these reasons.

Further, it would not have been obvious to combine the teachings of Rodriguez/Mullet with Chui to produce the method of Claim 1 because the image portion magnified by Chui's approach does not appear to be object-based, as required by Rodriguez.

Claims 10, 12 and 13

Similar to Claim 14, Claim 10 recites (in pertinent part):

...determining Cartesian coordinate data
identifying a first point on the first image
located under the cursor;
...superimposing the magnified image
over the first image such that a second point
on the magnified image screen corresponds to
the first point on the first image; and
superimposing the cursor over the
magnified image such that the cursor masks a
portion of the magnified image,
wherein the second point relative to
the magnified image corresponds to the
first point relative to the first image.

Claim 10 is believed to be patentable over Rodriguez and Mullet for reasons similar to those provided above with reference to Claim 14. Further, Chui, which is cited for showing "determining Cartesian coordinates data", fails to overcome the deficiencies of Rodriguez that are mentioned above with reference to Claim 14. That is, it would have

been neither possible nor obvious to combine the teachings of Rodriguez, Mullet and Chui to produce the method recited in Claim 10 because neither references teaches or suggests "superimposing the cursor over the magnified image such that the cursor masks a portion of the magnified image" and "superimposing the magnified image over the first image such that a second point on the magnified image screen corresponds to the first point on the first image...wherein the second point relative to the magnified image corresponds to the first point relative to the first image", as recited in Claim 10.

Claims 11, 12 and 13 are dependent from Claim 10, and are distinguished over Rodriguez, Mullet and Chiu for at least the reasons provided above with reference to Claim 10.

Claims 16 and 17

Claims 16 and 17 are dependent from Claim 14, and are distinguished over Rodriguez and Mullet for at least the reasons provided above with reference to Claim 14. Further, Chui fails to overcome the deficiencies of Rodriguez and Mullet that are mentioned above. Therefore, it would have been neither possible nor obvious to combine the teachings of Rodriguez, Mullet and Chui to produce the method recited in Claims 16 and 17.

For the foregoing reasons, it is submitted that the Examiner's rejections of Claims 1-21 are erroneous, and reversal of these rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick T. Bever". The signature is stylized with a large, looped "P" and a trailing flourish.

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VII. CLAIMS APPENDIX

1. (previously presented) A method of digital image magnification in a graphical user interface (GUI), the method comprising:

identifying a selected region of a first image adjacent to a cursor in the GUI, wherein the selected region has a predetermined height and width that is independent of a position of the cursor in the GUI;

forming a magnified image including an enlarged version of the first image located in the selected region;

superimposing the magnified image over the first image such that the magnified image masks the selected region; and

superimposing the cursor over the magnified image to form a second image.

2. (previously presented) The method according to Claim 1, wherein the magnified image has a width equal to a width of the GUI, thereby enhancing the readability of text in the first image.

3. (original) The method according to Claim 1, wherein a location identified by the cursor relative to the magnified image is co-located with a location identified by the cursor relative to the first image.

4. (original) The method according to Claim 3, wherein a user visually interacting with a magnified interface element at the location identified by the cursor relative to the magnified image actually interacts with an interface element at the location identified by the cursor relative to the first image.

5. (original) The method according to Claim 1, wherein identifying the selected region comprises:

determining Cartesian coordinate data identifying a location of the cursor; and

calculating upper and left boundaries of the selected region based on the Cartesian coordinate data.

6. (previously presented) The method according to Claim 5, wherein calculating the left boundary comprises:

multiplying a distance from the cursor to a left boundary of the magnified image by the width of the selected region to form a first factor;

dividing the first factor by a width of the magnified image to form a second factor; and

subtracting the second factor from an X Cartesian coordinate of the cursor.

7. (previously presented) The method according to Claim 5, wherein calculating the upper boundary comprises:

multiplying a distance from the cursor to a upper boundary of the magnified image by the height of the selected region to form a third factor;

dividing the third factor by a height of the magnified image to form a fourth factor; and

subtracting the fourth factor from a Y Cartesian coordinate of the cursor.

8. (original) The method of Claim 1, wherein the second image is displayed within a television safe area on a display screen.

9. (original) The method of Claim 1, further comprising alpha blending the first image with the magnified image, such that the first image shows through the magnified image.

10. (previously presented) A method of digital image magnification in a graphical user interface (GUI), the GUI including a first image and a cursor superimposed over the first image and movable on the first image by manipulation of an input device, the method comprising:

determining Cartesian coordinate data identifying a first point on the first image located under the cursor;

forming a magnified image including an enlarged version of a selected region surrounding the identified first point;

superimposing the magnified image over the first image such that a second point on the magnified image screen corresponds to the first point on the first image; and

superimposing the cursor over the magnified image such that the cursor masks a portion of the magnified image,

wherein the second point relative to the magnified image corresponds to the first point relative to the first image.

11. (original) The method of Claim 10, wherein the magnified image is superimposed over the first image such that a first edge of the magnified image extends to a first edge of the first image and a second edge of the magnified image extends to a second edge of the first image.

12. (original) The method of Claim 10, wherein the magnified image, first image, and the cursor are displayed within a television safe area on a display screen.

13. (original) The method according to Claim 10, wherein a user visually interacting with a magnified interface element at the second point actually interacts with an interface element at first point.

14. (previously presented) A method of magnifying a background image in a graphical user interface (GUI), the GUI including image data for generating the background image on a display, and cursor position data for positioning a cursor over the background image, the method comprising:

identifying a first selected point of the background image that coincides with the cursor position data;

forming a magnified image using the image data corresponding to a selected region located adjacent to the first selected point, wherein the magnified image includes a second selected point that coincides with the first selected point; and

superimposing the magnified image between the background image and the cursor such that the cursor is located directly over both the first selected point of the background image and the second selected point of the magnified image and such that the cursor masks a portion of the magnified image.

15. (original) The method of Claim 14, wherein the magnified image is superimposed between the background image and the cursor such that a first edge of the magnified image extends to a first edge of the background image and a second edge of the magnified image extends to a second edge of the background image.

16. (original) The method of Claim 14, wherein the magnified image, background image, and the cursor are displayed within a television safe area on a display screen.

17. (original) The method according to Claim 14, wherein a user visually interacting with a magnified interface element at the second selected point actually interacts with an interface element at first selected point.

18. (previously presented) A system for magnifying an image, the system comprising:

means for identifying a selected region of a first image adjacent to a cursor in the GUI;

means for forming a magnified image including an enlarged version of the first image located in the selected region;

means for superimposing the magnified image over the first image such that the magnified image masks the selected region; and

means for superimposing the cursor over the magnified image to form a second image such that the cursor masks a portion of the magnified image.

19. (previously presented) The system according to Claim 18, wherein the magnified image has a width equal to a width of the first image, thereby enhancing the readability of text in the first image.

20. (original) The system according to Claim 18, wherein a location identified by the cursor relative to the magnified image is co-located with a location identified by the cursor relative to the first image.

21. (original) The system according to Claim 18, wherein a user visually interacting with a magnified interface element at the location identified by the cursor

relative to the magnified image actually interacts with an interface element at the location identified by the cursor relative to the first image.

IX. EVIDENCE APPENDIX

Not used.

X. RELATED PROCEEDINGS APPENDIX

Not used.